

COMMITTEE AMENDMENT FORM

DATE: 05/11/10

COMMITTEE CITY UTILITIES PAGE NUM(S)

ORDINANCE I. D. #10-O- SECTION (S)

**RESOLUTION I. D. #10-R-0812 PARA. CAPTION, 4TH
WHEREAS AND RESOLVE
CLAUSE**

**AMENDS THE LEGISLATION BY INSERTING A NEW DOLLAR
AMOUNT (\$143,776.60) WHEREVER IT APPEARS IN THE
LEGISLATION.**

AMENDMENT DONE BY COUNCIL STAFF 05/11/10.

AN AMENDED RESOLUTION

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE REMOVAL AND CONSTRUCTION OF A WATER LINE ON THE HAMMOND DRIVE BRIDGE IN CONJUNCTION WITH CONSTRUCTION OF THE ROADWAY IMPROVEMENTS ON THE SR 400 AT HAMMOND DRIVE INTERCHANGE PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY THREE THOUSAND, SEVEN HUNDRED SEVENTY SIX DOLLARS AND SIXTY CENTS (\$143,776.60). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5057 (2001 WATER & WASTEWATER BOND FUND) 170202 (DWM BIOSOLIDS TREATMENT & COLLECTIONS) 5414002 (FACILITIES OTHER THAN BUILDINGS/INFRASTRUCTURE CIP) 4330000 (SEWAGE COLLECTION & DISPOSAL) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17100395.102.505721444.5414002.COA; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Department of Transportation (“GADOT”) is constructing roadway improvements on Hammond Drive at SR 400 in conjunction with the SR 400 at Hammond Drive Interchange (CSNHS-0008-00(415)) Fulton County Project (P.I. 0008415), which includes but is not limited to the demolition and replacement of the Hammond Drive Bridge; and

WHEREAS, the City must remove its existing water line from the old bridge and construct a new water line on the new Hammond Drive Bridge as required to maintain proper water service for the City of Atlanta’s Water System; and

WHEREAS, the Department of Watershed Management and the GADOT have determined that the most effective and economical method of removing the City’s existing water line and constructing the City’s required waterline is to include the construction of the new water line as part of the GADOT SR 400 at Hammond Drive Interchange Project; and

WHEREAS, the cost of constructing the new water line is One Hundred Forty Three Thousand, Seven Hundred Seventy Six Dollars and Sixty Cents (\$143,776.60); and

WHEREAS, sufficient funds are available for the City’s portion of the cost of the project from Fund Department Organization and Account Number 5057 (2001 Water & Wastewater Bond Fund) 170202 (DWM Biosolids Treatment & Collections) 5414002 (Facilities Other than Buildings/Infrastructure CIP) 4330000 (Sewage Collection & Disposal).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the Mayor or his designee be and is hereby authorized to execute a Contract Item Agreement with the State of Georgia Department of Transportation (GADOT) in substantial form as the agreement attached hereto as “Exhibit A” for removal of the City’s existing water line from the existing Hammond Drive Bridge and construction the City’s new water line on the new Hammond Drive Bridge in an amount not to exceed One Hundred Forty Three Thousand, Seven Hundred Seventy Six Dollars and Sixty Cents (\$143,776.60).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that this Agreement will not become binding on the City and the City will incur no liability or obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to GADOT.

AND FINALLY BE IT RESOLVED, that all services for said contracted work shall be charged to and paid from the Fund Department Organization and Account Number 5057 (2001 Water & Wastewater Bond Fund) 170202 (DWM Biosolids Treatment & Collections) 5414002 (Facilities Other than Buildings/Infrastructure CIP) 4330000 (Sewage Collection & Disposal) and Project Task Award Expenditure and Organization Number 17100395.102.505721444.5414002.COA.

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A WATER LINE ON THE HAMMOND DRIVE BRIDGE IN CONJUNCTION WITH CONSTRUCTION OF THE ROADWAY IMPROVEMENTS ON THE SR 400 AT HAMMOND DRIVE INTERCHANGE PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5057 (2001 WATER & WASTEWATER BOND FUND) 170202 (DWM BIOSOLIDS TREATMENT & COLLECTIONS) 5414002 (FACILITIES OTHER THAN BUILDINGS/INFRASTRUCTURE CIP) 4330000 (SEWAGE COLLECTION & DISPOSAL) AND PROJECT AWARD TASK ORGANIZATION AND EXPENDITURE NUMBER 17100395.102.505721444.5414002.COA; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Department of Transportation (“GADOT”) is constructing roadway improvements via the SR 400 at Hammond Drive Interchange Project, which includes but is not limited to the demolition and replacement of the Hammond Drive Bridge; and

WHEREAS, the City must construct a new water line on the Hammond Drive Bridge as required to maintain proper water service for the City of Atlanta’s Water System; and

WHEREAS, the Department of Watershed Management and the GADOT have determined that the most effective and economical method of constructing the City’s required waterline is to include the construction as a portion of the GADOT SR 400 at Hammond Drive Interchange Project; and

WHEREAS, the cost of the required portion of the Hammond Drive Water Line Project is Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00); and

WHEREAS, sufficient funds are available for the City’s portion of the cost of the project from Fund Department Organization and Account Number 5057 (2001 Water & Wastewater Bond Fund) 170202 (DWM Biosolids Treatment & Collections) 5414002 (Facilities Other than Buildings/Infrastructure CIP) 4330000 (Sewage Collection & Disposal).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor or designee is hereby authorized to execute an Agreement with the State of Georgia Department of Transportation (GADOT) in substantial form as the agreement attached hereto as Exhibit “A” for construction of a water line on the Hammond Drive Bridge in conjunction with construction of the roadway improvements

in an amount not to exceed Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that this Agreement will not become binding on the City and the City will incur no liability or obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to GADOT.

BE IT FINALLY RESOLVED, that all services for said contracted work shall be charged to and paid from the Fund Department Organization and Account Number 5057 (2001 Water & Wastewater Bond Fund) 170202 (DWM Biosolids Treatment & Collections) 5414002 (Facilities Other than Buildings/Infrastructure CIP) 4330000 (Sewage Collection & Disposal) and Project Award Task Organization and Expenditure Number 17100395.102.505721444.5414002.COA.

Project No.: SR 400 at Hammond Drive Interchange
CSNHS-0008-00(415) Fulton County
P.I. No.: 0008415

THIS AGREEMENT, made _____ by and between the Department of Transportation, an agency of the State of Georgia, hereinafter called the DEPARTMENT, first party and the CITY OF ATLANTA, a political subdivision of the State of Georgia, hereinafter called the CITY, second party;

WITNESS that:

WHEREAS, the DEPARTMENT is constructing roadway improvements on Hammond Drive at SR 400 in Fulton County, Georgia; and

WHEREAS, due to the construction of this project, it will become necessary to make certain adjustments or replacements of water facilities and appurtenances of the CITY, the cost of which is \$143,776.60; and

WHEREAS, the CITY has requested that the DEPARTMENT include the installation or adjustment of certain water facilities in its construction contract ; and

WHEREAS, the CITY shall bear the cost of adjustment or installation of the requested water facilities; and

WHEREAS, this Agreement being for the sole purpose of providing a contractor for the CITY'S work, the CITY shall bear the cost of said work as indicated herein;

WHEREAS, the plans and costs for the water facilities work have been approved by both the DEPARTMENT and the CITY prior to commencing work;

NOW THEREFORE, in consideration of the premises and the mutual covenants of the parties hereinafter set forth, it is agreed:

1. All construction engineering and contract supervision shall be the responsibility of the DEPARTMENT and the DEPARTMENT shall be responsible to assure that all water facilities work is accomplished in accordance with plans and specifications and to consult with the CITY before authorizing any changes or deviations which affect the CITY'S water facilities.

2. The CITY shall have the right to visit and inspect the work at any time and advise the DEPARTMENT'S Engineer of any observed discrepancies or potential problems. The DEPARTMENT agrees to notify the CITY when all water facilities work is completed and ready for final inspection by the CITY.

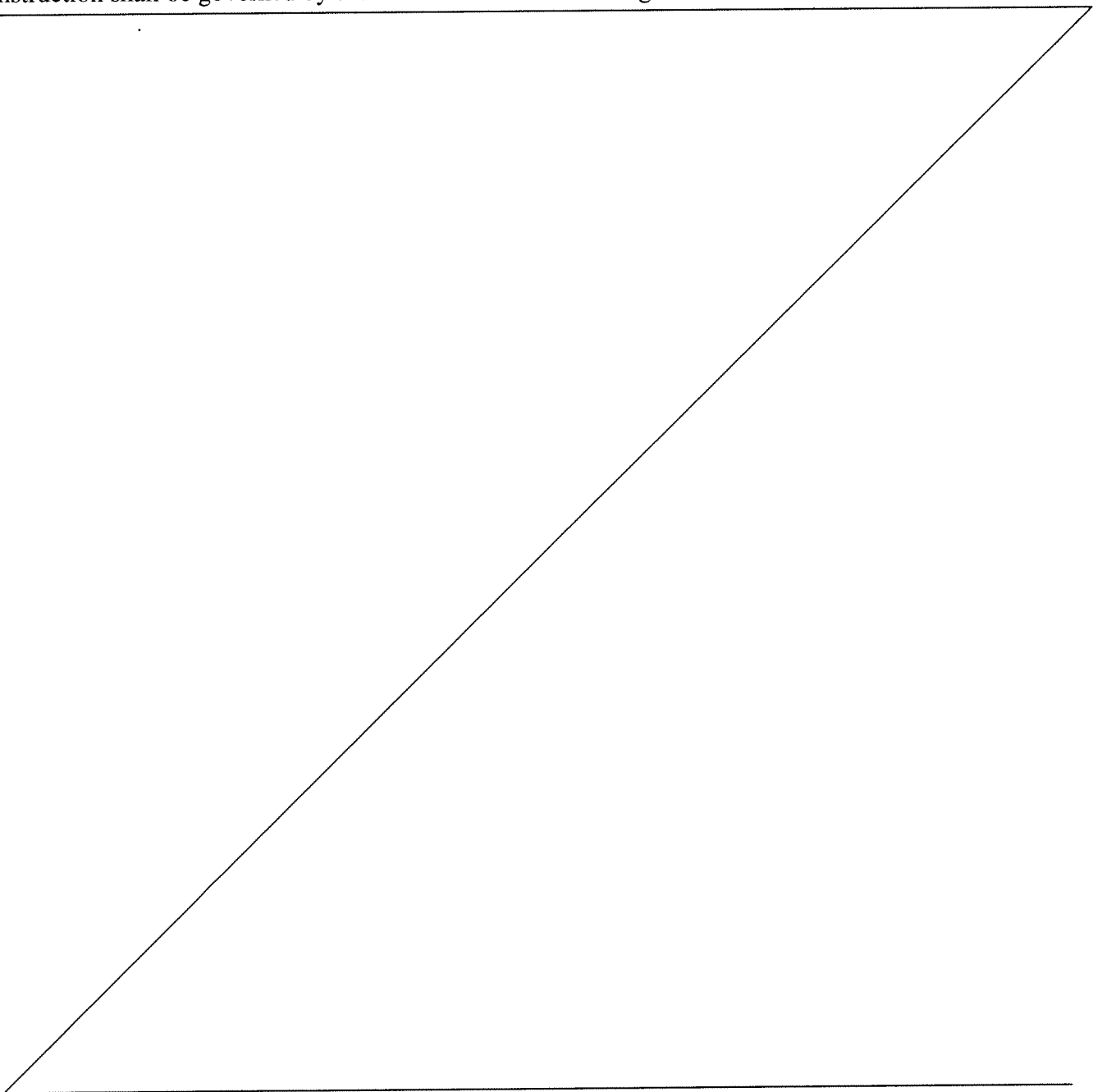
3. Upon completion of the work and upon certification by the DEPARTMENT that the work has been completed in accordance with the aforesaid plans and specifications, the DEPARTMENT shall make a "Final Acceptance" of the work. Thereafter, the CITY shall accept the

water facilities and shall thereafter operate and maintain the water facilities without further cost to the DEPARTMENT or its contractor. Such maintenance and all operations and activities shall be subject to the DEPARTMENT'S rules, policies and procedures as contained in its Utility Accommodation Policy and Standards, current edition.

4. The CITY agrees to make payment to the DEPARTMENT in the amount of \$143,776.60; within thirty (30) days after the execution of this Agreement.

5. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

6. It is mutually agreed between the parties hereto that this document shall be deemed to have been executed in Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in three counterparts, each to be considered as original by their duly authorized representatives the day and date hereinabove written.

CITY OF ATLANTA:

MUNICIPAL CLERK (Seal)

RECOMMENDED:

KASIM REED, MAYOR

This Agreement approved by the Atlanta City Council at meeting held on ____, and signed by the Mayor on _____

Commissioner, Department of Watershed Management

Chief Financial Officer**APPROVED AS TO FORM:**

CITY ATTORNEY

DEPARTMENT OF TRANSPORTATION

RECOMMENDED:

ACCEPTED:

By: _____
STATE UTILITIES ENGINEER

By: _____
COMMISSIONER

Project No: CSNHS-0008-00(415)
COUNTY: FULTON
P.I. No.: 0008415
Date: April 23, 2010

Signed, sealed and delivered this _____
day of _____, 20 _____

I attest that the seal imprinted herein is the official Seal of the DEPARTMENT.

By: _____
TREASURER
(OFFICIAL CUSTODIAN OF THE SEAL)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A WATER LINE ON THE HAMMOND DRIVE BRIDGE IN CONJUNCTION WITH CONSTRUCTION OF THE ROADWAY IMPROVEMENTS ON THE SR 400 AT HAMMOND DRIVE INTERCHANGE PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5057 (2001 WATER & WASTEWATER BOND FUND) 170202 (DWM BIOSOLIDS TREATMENT & COLLECTIONS) 5414002 (FACILITIES OTHER THAN BUILDINGS/INFRASTRUCTURE CIP) 4330000 (SEWAGE COLLECTION & DISPOSAL) AND PROJECT AWARD TASK ORGANIZATION AND EXPENDITURE NUMBER 17100395.102.505721444.5414002.COA; AND FOR OTHER PURPOSES.

Council Meeting Date: May 17, 2010

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to seek approval for the Mayor to enter into a Contract Item Agreement with the Georgia Department of Transportation (GDOT)

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

GDOT is currently performing roadway improvements on the SR 400 at Hammond Drive Interchange Project which require the demolition and replacement of the Hammond Drive Bridge. In order for this project to be completed, the City must construct a new water line on the new Hammond Drive Bridge. The most cost effective method to achieve this work is to have GDOT's Contractor construct the City's water main. This agreement will provide the mechanism whereby the City will pay GDOT to have GDOT's Contractor perform the work.

If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

Construction Agreement

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number):

PTAEO: 17100395.102.505721444.5414002

FDOA: 5057.170202.5414002.4330000.100395.21444

Fund: _____ **Account:** _____ **Center:** _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

A decrease of \$250,000 to PTAEO: 17100395.102.505721444.5414002 and

FDOA: 5057.170202.5414002.4330000.100395.21444

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

This Legislative Request Form Was Prepared By: Jerri Russell

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ **Maisha L. Wood** _____

Contact Number: _____ **(404) 330-6887** _____

Originating Department: _____ **Department of Watershed Management** _____

Committee(s) of Purview: _____ **City Utilities** _____

Chief of Staff Deadline: _____ **April 27, 2010** _____

Anticipated Committee Meeting Date(s): _____ **May 11, 2010** _____

Anticipated Full Council Date: _____ **May 17, 2010** _____

Legislative Counsel's Signature: _____  _____

Commissioner Signature: _____ **Robert G. Hunter** *RP* _____

Chief Procurement Officer Signature: _____ **n/a** _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA, DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A WATER LINE ON THE HAMMOND DRIVE BRIDGE IN CONJUNCTION WITH CONSTRUCTION OF THE ROADWAY IMPROVEMENTS ON THE SR 400 AT HAMMOND DRIVE INTERCHANGE PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5057 (2001 WATER & WASTEWATER BOND FUND) 170202 (DWM BIOSOLIDS TREATMENT & COLLECTIONS) 5414002 (FACILITIES OTHER THAN BUILDINGS/INFRASTRUCTURE CIP) 4330000 (SEWAGE COLLECTION & DISPOSAL) AND PROJECT AWARD TASK ORGANIZATION AND EXPENDITURE NUMBER 17100395.102.505721444.5414002.COA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$250,000.00

Mayor's Staff Only

Received by CPO: _____ **Received by LC from CPO:** _____
(date) (date)

Received by Mayor's Office: _____ **Reviewed by:** _____
(date) (date)

Submitted to Council: _____ **(date)**